

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	BIRD et al.) Conf. Number:	8686
)	
Appln. No.:	10/523,153) This Petition is being electronically filed	
) with the USPTO's EFS-Web on this	
Filed:	January 27, 2005) date March 6, 2008	
)	
Title:	A BULK COMMUNICATIONS PROCESS USING MULTIPLE DELIVERY MEDIA)	
)	
Group)	
Art Unit:	Not Yet Assigned)	
)	
Customer Number :	22242)	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

Sir:

Responsive to Decision on Petition mailed on October 17, 2007, a fee for 3-months extension of time having been paid concurrently herewith, Applicants submit an additional evidence to satisfy that the non-signing joint inventors cannot be reached after diligent effort or refuse to sign and respectfully request to move this application to prosecution.

The above-identified US national phase application of PCT/AU2003/000954, was filed January 27, 2005, in the United States Patent and Trademark Office. The National phase application (U.S. Appln. No. 10/523,153) was filed in accordance with 35 U.S.C. §371, in which case the U.S. application is identical to the PCT application PCT/AU2003/000954. The subject application was filed with an unsigned Declaration and is subject to a Notification of Missing Requirements requiring an executed Declaration. Seven inventors are named on the present application. Five inventors have signed the Declaration, and two

inventors, Kevin Bryan Levine and Michael Robert Stewart, refused to sign. On October 6, 2005, Applicants filed a Petition under 37 C.F.R. §1.47(a) to accept a Declaration signed by five inventors due to the refusal of the joint inventors Levine and Stewart to sign. The Petition was dismissed without prejudice as not satisfying a requirement of *a bona fide* attempt to present a copy of the application papers to the non-signing inventors, Kevin Bryan Levine and Michael Robert Stewart.

On July 26, 2006 a Renewed Petition was filed to provide information missing from the earlier petition and to show diligence in trying to obtain signatures. This Renewal Petition was denied raising certain questions regarding the prior declarations and denying the petition for failure to provide sufficient proof that the non-signing inventors refuse to sign or cannot be reached after diligent effort. The remaining portions (1)(3) and (4) of 37 CFR 1.47(a) were stated to have been satisfied in the record.

On May 1, 2007 a Renewed Petition was filed to show diligence in trying to obtain signatures from the non-signing inventors. This last mentioned Renewal Petition was denied for failure to provide documentary evidence to support a finding that the non-signing inventor Michael Robert Stewart could not be found or reached after diligent effort.

In addition to those declarations and exhibits previously sent, the present petition includes Declarations by Carl David Harrap, John McCormack and David Colvin. Attempts have been made by Mr. Harrap to identify the address of the non-signing inventor Stewart by performing an Internet search for Mr. Stewart's new address using UK domain addressed Internet search engine. In addition, Mr. McCormack and Mr. Colvin traveled to London in December 2007 - January 2008. During their stay in London they made multiple attempts, using the British Telecom telephone directory, to contact every Michael Stewart, M. R. Stewart and M. Stewart listed in the directory. As can be seen from their Declarations, they were not able to find Michael Robert Stewart, the person being the inventor of the above-identified application.

The interested parties have exhausted all the reasonable avenues they can think of to get the necessary signatures. Their efforts have been diligent. Applicants hereby request that the Declaration signed by five joint inventors be accepted on behalf of all the inventors of the above-identified US application since the non-signing joint inventors cannot be reached after diligent effort and/or refuse to sign.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



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Date: 03/06/2008

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